

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 ITC-01 AID-05 CEA-01
CIAE-00 COME-00 EB-08 FRB-03 INR-07 NSAE-00 SP-02
STR-04 TRSE-00 LAB-04 SIL-01 OMB-01 L-03 SS-15
H-01 /069 W
-----033228 011837Z /47

P R 011759Z AUG 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 0253
INFO AMEMBASSY BRUSSELS
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY THE HAGUE
USDA/FAS WASHDC

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USEEC ALSO FOR EMBASSY; FAS FOR WHITE AND OYLOE

E.O. 11652: N/A
TAGS: EAGR, GW
SUBJECT: TARIFF CLASSIFICATION OF FRESH CRANBERRIES AND
BLUEBERRIES

REF: A. BONN 11346; B. BONN 08588; C. BONN 08223;
D. BRUSSELS 07967; E. BRUSSELS 07539

SUMMARY: DURING RECENT JOINT MEETING OF FEDMINAG,
US EMBASSY, AND CANADIAN EMBASSY OFFICIALS, GERMAN
REPRESENTATIVE URGED THAT US AND CANADIAN REPRESENTATIVES
TAKE ACTIVE STEPS BOTH IN BRUSSELS AND OTHER MEMBER
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COUNTRIES TO PREVENT EC COMMISSION'S PROPOSED RE-
WORDING OF THE CXT NUMBERS 0808 B AND C FOR FRESH CRAN-
BERRIES AND BLUEBERRIES BEING APPROVED. THE REVISION
OF THE CXT WOULD VIOLATE EXISTING US GATT RIGHTS AND
HAMPER US AND CANADIAN SHIPMENTS TO GERMANY
AND OTHER EC MEMBERS. END SUMMARY.

1. AT THE INITIATIVE OF FEDMINAG OFFICIALS, A JOINT MEETING OF ALL MAJOR PARTIES INTERESTED IN THE PROBLEM OF CXT CLASSIFICATION OF FRESH CRANBERRIES AND BLUEBERRIES WAS HELD RECENTLY. PARTICIPATING WERE REPRESENTATIVES OF THE CANADIAN AND US EMBASSIES AND OF FEDMINAG. THE OBJECTIVE OF THE MEETING WAS TO COORDINATE THE ACTIVITIES BY ALL THREE PARTIES INTERESTED IN RESOLUTION OF THIS PROBLEM.

2. THE GERMAN OFFICIAL AGAIN EXPLAINED THE RECENT UNFORTUNATE DECISION BY THE JOINT ECONOMICS AND TARIFF PROBLEMS COMMITTEEMEETING IN BRUSSELS HELD JULY 15-16, 1977. THIS DECISION WOULD REWORD CXT POSITIONS 0808 B AND C AS FOLLOWS: 0808 B PREISELBEEREN (WILD LINGONBERRIES), VACCINIUM VITIS IDAEA, THEREBY EXCLUDING IMPORTS OF CULTIVATED CRANBERRIES (VACCINIUM MACROCARPON) UNDER THIS POSITION AND 0808 C BLAUBEEREN (BLUEBERRIES), VACCINIUM MYRTILLUS, THEREBY EXCLUDING IMPORTS OF US TYPE CULTIVATED BLUEBERRIES (VACCINIUM CORYMBOSUM).

3. IF THIS DECISION TAKES EFFECT - NOW PLANNED FOR JANUARY 1, 1978 - US FRESH CRANBERRY SHIPMENTS WILL NOT ENJOY THE GATT BOUND ZERO RATE NOR WILL US FRESH CULTIVATED BLUEBERRIES ENTER UNDER THE GATT BOUND 4 PERCENT DUTY. BOTH FRUITS WOULD THEN CLEARLY BE GROUPED UNDER LIMITED OFFICIAL USE

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0808 F "OTHER BERRIES" AND BE SUBJECT TO A DUTY OF 12 PERCENT.

4. THE GERMAN OFFICIAL STRESSED THAT GERMAN REPRESENTATIVE AT JULY 15-16 COMMITTEE MEETING EXPLAINED THE NEGATIVE EFFECT OF SUCH A DECISION ON TRADE BUT WAS UNABLE TO CONVINCE OTHER DELEGATIONS TO VOTE AGAINST THE COMMISSION'S PROPOSAL TO CHANGE THE CXT. THE OTHER EIGHT MEMBERS PERCEIVED THIS CHANGE AS A MEANS TO QUOTE CLARIFY AND HARMONIZE UNQUOTE THE PREVIOUS DIVERGENCES BETWEEN ACTUAL PRACTICE AND THE LANGUAGE IN THE NOTES TO THE CXT IN GROUPING CRANBERRIES AND BLUEBERRIES IN THE VARIOUS MEMBER STATES. THE EC COMMISSION WILL NOW PRESENT THE CHANGE TOGETHER WITH A NUMBER OF OTHER CXT CHANGES AS ONE PACKAGE TO THE COUNCIL OF MINISTERS FOR FINAL DECISION. BEFORE THE COUNCIL TAKES UP THE PROPOSAL, IT WILL ROUTINELY FIRST BE DISCUSSED BY THE STEERING COMMITTEE, AND IF NO AGREEMENT IS REACHED THERE, BY THE PERMDEL COMMITTEE. THE GERMANS HAVE INDICATED THAT THE PROPOSED CHANGES FOR CXT POSITIONS 0808 B AND C WILL HAVE TO BE ELIMINATED FROM THE PACKAGE AT ONE OF THESE LEVELS BECAUSE THEY

ARE NOW NOT WILLING TO TORPEDO THE WHOLE PACKAGE WITH
A VETO IN COUNCIL.

5. DURING THE MEETING, THE GERMAN OFFICIAL URGED THAT
THE US AS WELL AS CANADA FORMALLY APPROACH THE EC

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COMMISSION, PREFERABLY IN WRITING, POINTING OUT THAT
THE JULY 16 DECISION OF THE JOINT ECONOMICS AND
TARIFF PROBLEMS COMMITTEE WOULD VIOLATE EXISTING
GATT RIGHTS HELD BY THE US AND CANADA. (FOR DETAILS
SEE REF. B NO. 1.) SUCH ACTION, IT WAS ARGUED, WOULD
STRENGTHEN THE GERMAN DELEGATION'S EFFORTS TO CONVINCE
THE EC COMMISSION, HOPEFULLY WITH THE ASSISTANCE OF
SOME OTHER MEMBER COUNTRIES, TO ELIMINATE THIS PROPOSAL
FROM THE PACKAGE OF ALL OTHER INTENDED CXT CHANGES.

6. IN ORDER TO CHANGE THE VOTES OF AT LEAST SOME OF THE
MEMBER STATES IN THE STEERING COMMITTEE, THE GERMAN
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OFFICIAL SUGGESTED THAT BOTH US AND CANADIAN REPRESENT-
ATIVES ALSO CONTACT THE RESPONSIBLE OFFICIALS IN OTHER
MEMBER COUNTRIES, AND EXPLAIN THE MATTER IN DETAIL
ALONG THE LINES SUGGESTED IN REFS. A AND B.

7. IN VIEW OF THE FAILURE OF THEIR FIRST EFFORTS,
GERMAN OFFICIALS FEEL THEY CAN ONLY BE SUCCESSFUL IF
US AND CANADIAN REPRESENTATIONS TO BOTH THE COMMISSION,
AND THE MEMBER STATES HELP TURN SEVERAL VOTES
AROUND.

8. THE CANADIAN REPRESENTATIVE INDICATED THAT THEY
WILL PROPOSE THAT THEIR MINISTRY IN OTTAWA INITIATES
ACTION BY CANADIAN REPRESENTATIVES IN BRUSSELS AND THE
OTHER EC MEMBER COUNTRIES.

9. ACTION WASHINGTON: EMBASSY URGES THAT WASHINGTON
REQUEST US AGATTACHES IN BRUSSELS AND EC CAPITALS APPRO-
ACH APPROPRIATE OFFICIALS IN COMMISSION AND MINAG OR
MINFINANCE, RESPECTIVELY, ALONG LINES SUGGESTED IN REF.
B. THE VIOLATION OF GATT BINDINGS SHOULD BE PARTICULARLY
STRESSED TO THE COMMISSION AND THE NEGATIVE ECONOMIC
IMPACT OF HIGHER PRICED IMPORTS AS WELL AS THE GATT
QUESTION TO MEMBER STATES.

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